

## **REMARKS**

This amendment is responsive to the Office Action mailed June 10, 2009. Claims 1, 4, 11-21, and 50-53 are pending. In the present paper, claims 15, 17, and 53 are canceled without prejudice as explained below. Claim 16 is amended. Thus, following entry of the present amendment, claims 1, 4, 11-14, 16, 18-21, and 50-52 will be pending and under consideration.

### **I. AMENDMENTS TO THE CLAIMS**

Claims 15, 17, and 53 have been canceled without prejudice to Applicants' rights to pursue the canceled subject matter in one or more continuation or divisional applications.

Claim 16 has been rewritten in independent form including all of the limitations of the base claim.

As the amendments to the claims are fully supported by the application as filed, they present no new matter. Applicants respectfully submit that the amendments present rejected claims in better form for consideration on appeal. *See* 37 C.F.R. § 1.116(b)(2). Accordingly, entry of the present amendments to the claims is hereby respectfully requested under 37 C.F.R. § 1.116.

No claim amendment fee is believed to be due with these amendments.

### **II. PRIORITY**

The United States Patent and Trademark Office ("PTO") states that an English translation of Italian Application No. MI2003A001156, to which the instant application claims priority, has not been received. An English translation of Italian Application No. MI2003A001156 and a certificate of translation verifying the accuracy of the translation were filed and received by the PTO on February 26, 2009. *See* PTO's Patent Application Information Retrieval page for U.S. Application No. 10/560,157 at "02-26-2009," attached hereto as **Exhibit 1**. Entry of these documents to the record is respectfully requested.

### **III. CLAIM REJECTIONS UNDER 35 U.S.C. § 102(b)**

Claims 15, 17, and 53 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Fincher *et al.* (U.S. Publication No. 2008/0127376, May 29, 2008, filed September 20, 2000)

or Xu *et al.* (Genbank Accession No. AV649238, January 2002).

Without acquiescing to the propriety of the rejection, and solely to expedite prosecution of the claims, Applicants have canceled claims 15, 17, and 53 without prejudice to Applicants' rights to pursue the canceled subject matter in one or more continuation or divisional applications. As such, Applicants respectfully submit that the rejections are obviated in view of the cancellation of claims 15, 17, and 53.

Accordingly, Applicants respectfully request that the rejection of the claims under 35 U.S.C § 102(b) be withdrawn.

#### **IV. CLAIM OBJECTION**

Claim 16 stands objected to as being dependent on a rejected base claim. Claim 16 has been rewritten in independent form including all of the limitations of the base claim. Accordingly, Applicants respectfully request that the objection to claim 16 be withdrawn.

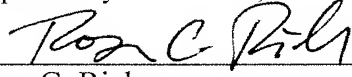
#### **CONCLUSION**

In light of the above amendments and remarks, Applicants respectfully request that the PTO reconsider this application with a view towards allowance.

No fee is believed to be due with this paper. However, the Commissioner is hereby authorized to charge any required fee(s) to Jones Day Deposit Account No. 50-3013 (order no. 043018-999106).

Date: August 27, 2009

Respectfully submitted,

  
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## **EXHIBIT 1**

10/560,157      Mutations in the slc40a1 gene associated to impaired iron homeostasis      08-05-2009::13:19:10

**This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click Start Download.**

#### Available Documents

Mail Room	Date	Document Code	Document Description	Page Count
06-10-2009	EXIN	<b>Examiner Interview Summary Record (PTOL - 413)</b>		<b>2</b>
06-09-2009	CTFR	Final Rejection		7
06-09-2009	892	List of references cited by examiner		1
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10-28-2008	1449	List of References cited by applicant and considered by examiner		1
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10-09-2007	NPL	NPL Documents	3
01-04-2007	NTC.PUB	Notice of Publication	1
10-03-2006	M903	Notice of DO/EO Acceptance Mailed	2
08-28-2006	IMIS	Miscellaneous Internal Document	1
08-28-2006	WFEE	Fee Worksheet (PTO-875)	1
06-15-2006	PEFR	Applicant Response to Pre-Exam Formalities Notice	2
06-15-2006	OATH	Oath or Declaration filed	3
06-15-2006	XT/	Extension of Time	1
03-21-2006	M905	Notice of DO/EO Missing Requirements Mailed	2
03-16-2006	IMIS	Miscellaneous Internal Document	1
03-16-2006	WFEE	Fee Worksheet (PTO-875)	1
03-16-2006	WCLM	Claims Worksheet (PTO-2022)	1
12-20-2005	CRFE	CRF entered - partial listing printed by STIC	9
12-09-2005	TRNA	Transmittal of New Application	3
12-09-2005	SPEC	Specification	26
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